

SENATE AMENDMENTS

2nd Printing

By: Faircloth

H.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

relating to certain election officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Election Code, is amended by adding
Section 1.016 to read as follows:

Sec. 1.016. OATHS BY ELECTION OFFICERS. (a) An oath or
statement required by the Texas Constitution or this code prior to
an election officer entering service may be administered and a
certificate of the fact given by:

(1) the secretary of state, a member of the secretary
of state's staff, or a state inspector appointed by the secretary;

(2) a county or municipal clerk or the clerk's
deputies;

(3) a county tax assessor-collector or the county tax
assessor-collector's deputies;

(4) a city secretary;

(5) a member of a county election commission or county
election board;

(6) a county elections administrator or employee of a
county elections administrator;

(7) the secretary of the governing body of a political
subdivision other than a county or city or the authority performing
the duties of a secretary under this code;

(8) a presiding election judge or alternate presiding

1 judge who has already entered service;

2 (9) an early voting clerk or a deputy early voting
3 clerk who has already entered service;

4 (10) a member of an early voting ballot board or
5 signature verification committee who has already entered service;
6 or

7 (11) a presiding judge, manager, or tabulation
8 supervisor of a central counting station who has already entered
9 service.

10 (b) An oath, statement, or certificate described under
11 Subsection (a) is valid for the duration of the election officer's
12 term of office and shall be filed with election records for the
13 election in which the election officer is serving.

14 (c) The secretary of state may prescribe a form of oath,
15 statement, or certificate that incorporates any oaths or statements
16 required by the Texas Constitution or this code for an election
17 officer into a single oath or statement.

18 SECTION 2. Section 32.002, Election Code, is amended by
19 adding Subsection (c-1) to read as follows:

20 (c-1) For purposes of this subsection, the county chair
21 shall provide a list of names of persons eligible for appointment as
22 election judges. Judges of countywide polling places established
23 under Section 43.007 must be appointed from the list of names of
24 persons submitted by the county chair in compliance with Subsection
25 (c) except that in appointing a person from the list the
26 commissioners court shall apportion the number of judges in direct
27 proportion to the percentage of precincts located in each county

commissioners precinct won by each party in the last gubernatorial election, the commissioners court is not required to make the appointments based on specific polling locations or precincts, a presiding judge or alternate presiding judge is not required to serve in a polling place located in the precinct in which the judge resides, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside. The county chairs may submit, and the commissioners court may preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions. The county clerk may select an individual whose appointment was preapproved by the commissioners court to fill a vacancy in a position that was held by an individual from the same political party. Other than a judge's party affiliation, nothing in this subsection precludes a county clerk from placing an election officer at a countywide polling place based on the need for services at that location.

SECTION 3. Section 32.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g) Following an oral warning to the election judge and with the concurrence of the county chair of the same political party with which the judge is affiliated or aligned, the county clerk may remove, replace, or reassign an election judge who causes a disruption in a polling location or wilfully disobeys the provisions of this code. A vacancy created under this subsection shall be filled in the same manner as an emergency appointment under

1 Section 32.007.

2 SECTION 4. Section 32.006(a), Election Code, is amended to
3 read as follows:

4 (a) The county chair of a political party holding a primary
5 election shall appoint for each primary~~[, with the approval of the~~
6 ~~county executive committee,~~] the judges for each precinct in which
7 the election will be held in the county and fill any vacancy that
8 occurs in the position of presiding judge or alternate presiding
9 judge.

10 SECTION 5. Section 32.009(d), Election Code, is amended to
11 read as follows:

12 (d) A notice to a presiding judge must state the name, ~~[and]~~
13 address, and any available telephone number and e-mail address of
14 the alternate, and a notice to an alternate must state the name,
15 ~~[and]~~ address, and any available telephone number and e-mail
16 address of the presiding judge.

17 SECTION 6. Subchapter A, Chapter 32, Election Code, is
18 amended by adding Section 32.012 to read as follows:

19 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
20 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the
21 commissioners court appoints a presiding election judge and an
22 alternate presiding judge, the county clerk shall provide to the
23 county chair of each political party a list of the individuals
24 appointed by the commissioners court.

25 (b) The appointment list must be provided in writing.

26 SECTION 7. Section 32.034, Election Code, is amended by
27 adding Subsection (f) to read as follows:

1 (f) Following an oral warning to the election clerk and with
2 the concurrence of the county chair of the same political party with
3 which the election clerk is affiliated or aligned, the county clerk
4 may remove, replace, or reassign an election clerk who causes a
5 disruption in a polling location or wilfully disobeys the
6 provisions of this code. A vacancy created under this subsection
7 shall be filled by the presiding judge, who shall appoint a
8 replacement election clerk who is affiliated or aligned with the
9 same political party as the original clerk, if possible.

10 SECTION 8. Section 32.114(e), Election Code, is amended to
11 read as follows:

12 (e) An election judge, early voting clerk, or deputy early
13 voting clerk in charge of an early voting polling place is entitled
14 to compensation for attending the training program at an hourly
15 rate fixed by the appropriate authority in an amount that is equal
16 to or greater than the federal minimum wage ~~[not to exceed \$7]~~.

17 SECTION 9. Section 43.007, Election Code, is amended by
18 amending Subsection (a) and adding Subsections (m) and (n) to read
19 as follows:

20 (a) The secretary of state shall implement a program to
21 allow each commissioners court participating in the program to
22 eliminate county election precinct polling places and establish
23 countywide polling places for:

24 (1) each general election for state and county
25 officers;

26 (2) each election held on the uniform election date in
27 May and any resulting runoff;

(3) each election on a proposed constitutional amendment;

(4) each primary election and runoff primary election if:

(A) the county chair or county executive committee of each political party participating in a joint primary election under Section 172.126 agrees to the use of countywide polling places; or

(B) the county chair or county executive committee of each political party required to nominate candidates by primary election agrees to use the same countywide polling places; and

(5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1), (2), (3), or (4).

(m) In adopting a methodology under Subsection (f), the county must ensure that:

(1) each county commissioners precinct contains at least one countywide polling place; and

(2) the total number of permanent branch and temporary branch polling places open for voting in a county commissioners precinct does not exceed more than twice the number of permanent branch and temporary branch polling places in another county commissioners precinct.

(n) To the greatest extent possible, countywide polling places shall be located in a precinct where the political party that received the greatest number of votes in the last gubernatorial

1 election is the same political party with which the presiding judge
2 is affiliated.

3 SECTION 10. Section 85.009(b), Election Code, is amended to
4 read as follows:

5 (b) Before July of each year, the county chair of each
6 political party holding a primary election in the county shall
7 submit in writing to the county clerk a list of names of persons in
8 order of preference for each early voting polling place who are
9 eligible for selection as an election officer. The county chair
10 may supplement the list of names of persons until the 30th day
11 before early voting begins in case an appointed election officer
12 becomes unable to serve. The county clerk shall appoint the first
13 person meeting the applicable eligibility requirements from the
14 list submitted in compliance with this subsection by the party with
15 the highest number of votes in the county as the presiding judge
16 ~~[election officer]~~ of that polling place and the first person
17 meeting the applicable eligibility requirements from the list
18 submitted in compliance with this subsection by the party with the
19 second highest number of votes in the county as the alternate
20 presiding judge ~~[election officer]~~ of that polling place. The
21 county clerk shall appoint additional election officers for each
22 polling place in the manner described by Subsection (a). The
23 county clerk may reject the list if the persons whose names are
24 submitted on the list are determined not to meet the applicable
25 eligibility requirements.

26 SECTION 11. Subchapter A, Chapter 85, Election Code, is
27 amended by adding Section 85.0091 to read as follows:

1 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY
2 ELECTIONS. (a) The early voting clerk shall select election
3 officers for a primary election for the main early voting polling
4 place and any branch polling place in a manner consistent with
5 Section 85.009, except that the early voting clerk shall prescribe
6 the deadline by which county chairs must submit names of persons
7 eligible to serve as election officers during early voting.

8 (b) This section does not apply to a joint primary governed
9 by Section 172.126.

10 SECTION 12. Subchapter A, Chapter 87, Election Code, is
11 amended by adding Section 87.006 to read as follows:

12 Sec. 87.006. EARLY VOTING BALLOT BOARD MEMBERS: OATH AND
13 IDENTIFICATION. (a) A member of the early voting ballot board
14 shall repeat the following oath aloud:

15 "I swear (or affirm) that I will objectively work to be sure
16 every eligible voter's vote is accepted and counted, and that only
17 the ballots of those voters who violated the Texas Election Code
18 will be rejected. I will make every effort to correctly reflect the
19 voter's intent when it can be clearly determined. I will not work
20 alone when ballots are present and will work only in the presence of
21 a member of a political party different from my own. I will
22 faithfully perform my duty as an officer of the election and guard
23 the purity of the election."

24 (b) A member of the early voting ballot board who arrives
25 after the oath is made shall repeat the oath aloud before performing
26 any duties as a member.

27 (c) Following administration of the oath, each member of the

1 early voting ballot board shall be issued a form of identification,
2 prescribed by the secretary of state, to be displayed by the member
3 during the member's hours of service on the board.

4 SECTION 13. Subchapter G, Chapter 87, Election Code, is
5 amended by adding Section 87.127 to read as follows:

6 Sec. 87.127. RESOLUTION OF INCORRECT DETERMINATION BY EARLY
7 VOTING BALLOT BOARD. (a) If a county election officer, as defined
8 by Section 31.091, determines a ballot was incorrectly rejected or
9 accepted by the early voting ballot board before the time set for
10 convening the canvassing authority, the county election officer may
11 petition a district court for injunctive or other relief as the
12 court determines appropriate.

13 (b) In an election ordered by the governor or by a county
14 judge, the county election officer must confer with and establish
15 the agreement of the county chair of each political party before
16 petitioning the district court.

17 SECTION 14. Subchapter A, Chapter 127, Election Code, is
18 amended by adding Section 127.0015 to read as follows:

19 Sec. 127.0015. CENTRAL COUNTING STATION OFFICERS: OATH AND
20 IDENTIFICATION. (a) Election officers appointed under this
21 subchapter shall repeat the following oath aloud:

22 "I swear (or affirm) that I will objectively work to be sure
23 every eligible voter's vote is accepted and counted, and that only
24 the ballots of those voters who violated the Texas Election Code
25 will be rejected. I will make every effort to correctly reflect the
26 voter's intent when it can be clearly determined. I will not work
27 alone when ballots are present and will work only in the presence of

1 a member of a political party different from my own. I will
2 faithfully perform my duty as an officer of the election and guard
3 the purity of the election."

4 (b) An officer who arrives after the oath is made shall
5 repeat the oath aloud before performing any duties as an election
6 officer.

7 (c) Following administration of the oath, each election
8 officer shall be issued a form of identification, prescribed by the
9 secretary of state, to be displayed by the officer during the
10 officer's hours of service at the central counting station.

11 SECTION 15. Section 127.004(b), Election Code, is amended
12 to read as follows:

13 (b) To be eligible for appointment, a person must:
14 (1) have the competence, training, and experience
15 required for the proper performance of the work assigned; and
16 (2) in a county with a population of less than 60,000,
17 be a registered voter of the political subdivision served by the
18 authority establishing the counting station or an employee of the
19 political subdivision that adopts or owns the voting system.

20 SECTION 16. Section 127.007, Election Code, is amended by
21 adding Subsection (c) to read as follows:

22 (c) The plan required under this section must be available
23 to the public on request not later than 5 p.m. on the fifth day
24 before the date of the election.

25 SECTION 17. Sections 32.006(b) and 32.010, Election Code,
26 are repealed.

27 SECTION 18. This Act takes effect September 1, 2017.

ADOPTED
VV-as amended
MAY 23 2017
Letai Graw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Joan Huffman

Amend H.B. No. 1735 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 31.092(b), (d), and (e), Election Code, are transferred to Section 31.093, Election Code, redesignated as Sections 31.093(c), (d), and (e), Election Code, respectively, and amended to read as follows:

(c) ~~[(b)]~~ On request of the county chair of a political party holding a primary election in the county, the [The] county election officer shall [may] contract with the county executive committee of the [a political] party [holding a primary election in the county] to perform election services, as provided by this subchapter, in the party's general primary election and [or] runoff primary election in accordance with a cost schedule agreed on by the contracting parties[, or both].

(d) In a contract required ~~[authorized]~~ by Subsection (c) ~~[(b)]~~, the county election officer may not prevent the county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results, as required by Chapter 172. A county election officer who violates this subsection commits an offense. An offense under this subsection is a Class B misdemeanor.

(e) A ~~[If a]~~ county election officer ~~[enters into a contract with a county executive committee under Subsection (b) to perform election services, the officer]~~ must offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.

SECTION _____. Section 31.093(a), Election Code, is amended to read as follows:

(a) If requested to do so by a political subdivision [~~or~~
~~political party~~], the county elections administrator shall enter
into a contract to furnish the election services requested, in
accordance with a cost schedule agreed on by the contracting
parties.

SECTION _____. Section 61.003(b)(1), Election Code, is
amended to read as follows:

(1) "Electioneering" includes the posting, use, or
distribution of political signs or literature. The term does not
include the distribution of a notice of a party convention
authorized under Section 172.1114.

SECTION _____. Section 127.096, Election Code, is amended by
adding Subsection (a-1) to read as follows:

(a-1) If the test is being conducted for a primary election,
the custodian of the automatic tabulating equipment shall notify
the county chair of the test at least 48 hours before the date of the
test. The county chair shall confirm receipt of the notice.

SECTION _____. Section 129.023, Election Code, is amended by
adding Subsection (b-1) to read as follows:

(b-1) If the test is being conducted for a primary election,
the general custodian of election records shall notify the county
chair of the test at least 48 hours before the date of the test. The
county chair shall confirm receipt of the notice.

SECTION _____. Section 141.031(a), Election Code, is amended
to read as follows:

(a) A candidate's application for a place on the ballot that
is required by this code must:

- (1) be in writing;
- (2) be signed and sworn to by the candidate and
indicate the date that the candidate swears to the application;
- (3) be timely filed with the appropriate authority;

1 and

2 (4) include:

3 (A) the candidate's name;

4 (B) the candidate's occupation;

5 (C) the office sought, including any place number
6 or other distinguishing number;

7 (D) an indication of whether the office sought is
8 to be filled for a full or unexpired term if the office sought and
9 another office to be voted on have the same title but do not have
10 place numbers or other distinguishing numbers;

11 (E) a statement that the candidate is a United
12 States citizen;

13 (F) a statement that the candidate has not been
14 determined by a final judgment of a court exercising probate
15 jurisdiction to be:

16 (i) totally mentally incapacitated; or

17 (ii) partially mentally incapacitated
18 without the right to vote;

19 (G) a statement that the candidate has not been
20 finally convicted of a felony from which the candidate has not been
21 pardoned or otherwise released from the resulting disabilities;

22 (H) the candidate's date of birth;

23 (I) the candidate's residence address or, if the
24 residence has no address, the address at which the candidate
25 receives mail and a concise description of the location of the
26 candidate's residence;

27 (J) the candidate's length of continuous
28 residence in the state and in the territory from which the office
29 sought is elected as of the date the candidate swears to the
30 application;

31 (K) the statement: "I, _____, of

1 _____ County, Texas, being a candidate for the office of
2 _____, swear that I will support and defend the constitution
3 and laws of the United States and of the State of Texas";

4 (L) a statement that the candidate is aware of
5 the nepotism law, Chapter 573, Government Code; and

6 (M) a public mailing address at which the
7 candidate receives correspondence relating to the candidate's
8 campaign, if available, and an ~~[any available]~~ electronic mail
9 address at which the candidate receives correspondence relating to
10 the candidate's campaign, if available.

11 SECTION _____. Section 141.039, Election Code, is amended to
12 read as follows:

13 Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to
14 the other statements and spaces for entering information that
15 appear on an officially prescribed form for an application for a
16 place on the ballot, each official form for an application that a
17 candidate is required to file under this code must include:

18 (1) a space for indicating the form in which the
19 candidate's name is to appear on the ballot;

20 (2) a space for the candidate's public mailing
21 address;

22 (3) spaces for the candidate's home and office
23 telephone numbers and e-mail address at which the candidate
24 receives correspondence relating to the candidate's campaign; and

25 (4) a statement informing candidates that the
26 furnishing of the telephone numbers ~~[or e-mail address]~~ is
27 optional.

28 SECTION _____. Section 145.036(d), Election Code, is amended
29 to read as follows:

30 (d) For the purpose of filling a vacancy, a majority of the
31 committee's membership constitutes a quorum. To be nominated, a

1 person must receive a favorable vote of a majority of the members
2 voting [~~present~~].

3 SECTION _____. Section 162.004(c), Election Code, is amended
4 to read as follows:

5 (c) If a voter is accepted to vote without presenting a
6 registration certificate, the presiding judge shall issue the voter
7 an affiliation certificate. The certificate is not required to be
8 issued to a voter in a runoff primary unless the voter requests it.
9 The affiliation certificate may be combined with the notice
10 provided under Section 172.1114. If the combined form is used, an
11 election officer is not required to comply with Subsection (b).

12 SECTION _____. Section 162.014(b), Election Code, is amended
13 to read as follows:

14 (b) An offense under this section is a felony of the second
15 degree unless the person is convicted of an attempt. In that case,
16 the offense is a state jail felony [~~Class C misdemeanor~~].

17 SECTION _____. Section 172.082, Election Code, is amended by
18 amending Subsections (b), (c), and (e) and adding Subsection (f) to
19 read as follows:

20 (b) The county chair [~~executive committee~~] shall conduct
21 the drawing unless the county executive committee [~~it~~] provides by
22 resolution that the drawing be conducted by the primary committee.

23 (c) The drawing shall be conducted [~~at the county seat~~] not
24 later than the 10th day after the date of the regular filing
25 deadline for the general primary election.

26 (e) The county chair shall post notice of the date, hour,
27 and place of the drawing for at least 24 consecutive hours
28 immediately before the drawing begins. The notice shall be posted
29 on the party's Internet website, if the party maintains a website.
30 If the party does not maintain a website, the notice shall be posted
31 on the bulletin board used for posting notice of meetings of the

1 commissioners court. [~~If the party maintains an Internet website,~~
2 ~~the party shall post the notice on the party's website.~~] All
3 candidates who provide an e-mail address on their filing form shall
4 be notified electronically.

5 (f) The state chair shall conduct the drawing if the county
6 chair:

7 (1) requests that the state chair conduct the drawing;
8 or

9 (2) fails to conduct the drawing by the deadline set in
10 this section.

11 SECTION _____. Section 172.083, Election Code, is amended to
12 read as follows:

13 Sec. 172.083. REVIEW AND APPROVAL OF BALLOT BY PRIMARY
14 COMMITTEE. If a primary committee was established, before [~~Before~~]
15 having the official ballots for a general primary election printed,
16 the county chair shall submit the format for the official ballot to
17 the primary committee for its review and approval.

18 SECTION _____. Section 172.084(a), Election Code, is amended
19 to read as follows:

20 (a) The [~~Except as provided by this section, the~~] order of
21 the candidates' names on the runoff primary election ballot for
22 each county shall be [~~determined by a drawing conducted~~] in the same
23 order as [~~manner as the regular drawing for position~~] on the general
24 primary election ballot.

25 SECTION _____. Section 172.1111, Election Code, is amended
26 to read as follows:

27 Sec. 172.1111. POSTING NOTICE OF CONVENTIONS [~~PRECINCT~~
28 ~~CONVENTION~~] REQUIRED. (a) Before the opening of the polls, the
29 presiding judge shall post at each outside door through which a
30 voter may enter the building in which the polling place is located a
31 written notice in bold print of the date, hour, and place for each

1 ~~[convening the]~~ precinct, county, senatorial, or state convention
2 that a voter in the precinct may be eligible to attend during the
3 election year.

4 (b) Notice posted under this section may include:

5 (1) the website of the county party and state party;
6 and

7 (2) any other information deemed necessary by the
8 state executive committee.

9 (b-1) The state chair shall develop a form for the notice
10 that may be used statewide. The judge is not required to use an
11 officially prescribed form for the notice, but must include any
12 information required by this section.

13 (b-2) A state chair, county chair, or precinct chair shall
14 provide the presiding judge with the necessary information
15 respecting the chair's associated convention.

16 (c) The notice must remain posted continuously through
17 election day.

18 SECTION _____. Section 172.1112(a), Election Code, is
19 amended to read as follows:

20 (a) The county clerk ~~[chair]~~ shall post a notice of the
21 election and a notice of consolidated precincts, if applicable, in
22 the manner prescribed by Section 4.003(b) for general and special
23 elections. The notice of the election shall be posted on the
24 party's Internet website, if the party maintains a website. If the
25 party does not maintain a website, the notice shall be posted on the
26 bulletin board used for posting notice of meetings of the
27 commissioners court.

28 SECTION _____. Subchapter E, Chapter 172, Election Code, is
29 amended by adding Section 172.1114 to read as follows:

30 Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS.

31 (a) A political party may prepare a notice not larger than

1 letter-sized for distribution to each voter participating in the
2 party's primary election at the time the voter is accepted for
3 voting.

4 (b) The notice may include:

5 (1) information describing the party's convention
6 process;

7 (2) information detailing the time and place of the
8 party's first-level convention process;

9 (3) contact information for the county and state
10 political parties; and

11 (4) website links for information and registration for
12 party conventions.

13 (c) The state chair of a political party shall prescribe a
14 form for a notice that may be used in any county. A county chair of
15 a political party may prescribe a specific notice for the county
16 chair's county. The same notice must be used in all precincts
17 within a county.

18 (d) A notice must be approved by the secretary of state. If
19 a county chair of a political party uses the form of notice
20 prescribed by the state chair, only the convention location and
21 time may be added without the secretary of state's approval.

22 (e) A county chair of a political party shall supply a
23 notice prepared according to this section to the authority
24 conducting the election not later than the 30th day before the date
25 early voting by personal appearance begins.

26 (f) The secretary of state shall prescribe procedures and
27 adopt rules as necessary to implement this section.

28 SECTION _____. Section 172.112, Election Code, is amended to
29 read as follows:

30 Sec. 172.112. WRITE-IN VOTING. Write-in voting in a
31 primary election is not permitted ~~[except in the general primary~~

1 ~~election for the offices of county chair and precinct chair~~].

2 SECTION _____. Sections 172.113(a), (d), and (e), Election
3 Code, are amended to read as follows:

4 (a) The authority establishing a central counting station
5 ~~[county chair]~~ shall prepare the unofficial tabulation of precinct
6 results.

7 (d) The authority ~~[county chair]~~ shall make ~~[the]~~ periodic
8 announcements of the current state of the tabulation, including by
9 posting the announcements on the Internet website of the county, if
10 the county maintains a website.

11 (e) On completing the tabulation, the authority ~~[county~~
12 ~~chair]~~ shall deliver it to the general custodian or may post the
13 tabulation on the county's website or the secretary of state's
14 website.

15 SECTION _____. Section 172.114, Election Code, is amended to
16 read as follows:

17 Sec. 172.114. DISPOSITION OF POLL LIST. The general
18 custodian of election records shall preserve the poll lists
19 maintained for a primary election for 22 months ~~[until the end of~~
20 ~~the voting year in which the primary election is held]~~.

21 SECTION _____. Section 172.1141, Election Code, is amended
22 to read as follows:

23 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

24 (a) At the same time the acceptance of each voter for voting in the
25 general primary election is indicated on the precinct list of
26 registered voters furnished for use in the election, the acceptance
27 of the voter shall also be indicated on the list furnished for use
28 in the party's conventions.

29 (b) If a county records the acceptance of a voter
30 electronically, the county chair may request an electronic document
31 listing the persons who voted in the party primary.

1 SECTION _____. Section 172.115(a), Election Code, is amended
2 to read as follows:

3 (a) Subject to Subsection (b), the voter registrar shall
4 preserve each precinct list of registered voters that is used for a
5 primary election for 22 months [~~until the end of the voting year in~~
6 ~~which the primary election is held~~].

7 SECTION _____. Section 172.116, Election Code, is amended by
8 adding Subsections (c) and (d) to read as follows:

9 (c) The county clerk shall prepare and submit to the
10 secretary of state a report of the results of the canvass, which
11 must include:

12 (1) the total number of votes cast in each precinct for
13 each candidate or measure; and

14 (2) the number of counted and uncounted provisional
15 ballots cast in each precinct.

16 (d) The final canvass is concluded when the chair digitally
17 certifies the canvass report on the secretary of state's website.
18 The posting on the site that the results are final completes the
19 canvass report. The chair is not required to file any additional
20 notice or report with the county clerk.

21 SECTION _____. Sections 172.117(a), (a-1), and (a-2),
22 Election Code, are amended to read as follows:

23 (a) The county chair shall certify by posting on the
24 secretary of state's website a notation next to the name and address
25 of each primary candidate who is nominated for a county or precinct
26 office for placement on the general election ballot. The chair
27 shall digitally execute [~~and file with the county clerk~~] an
28 affidavit certifying that the returns posted on the secretary of
29 state's website are the correct and complete returns. The
30 secretary of state shall [~~may~~] adopt by rule a process to allow the
31 chair to submit the affidavit digitally.

1 (a-1) The secretary of state shall develop appropriate
2 notations to describe the status of each candidate. The notations
3 shall include:

- 4 (1) "filed";
- 5 (2) "withdrew";
- 6 (3) "lost primary";
- 7 (4) "in runoff";
- 8 (5) "lost runoff";
- 9 (6) "deceased"; ~~[or]~~
- 10 (7) "declared ineligible"; or
- 11 (8) "nominee for general election."

12 (a-2) The county chair shall update the notations after each
13 general primary and runoff primary election. After any withdrawal
14 or death of a candidate, and subsequent replacement of the
15 candidate on the ballot, the chair shall notify the state chair, who
16 shall update the notation on the website. All notations must be
17 completed and accurate on the date prescribed by the secretary of
18 state by rule to ensure that an authority printing general election
19 ballots may rely on the information.

20 SECTION _____. Section 172.118, Election Code, is amended to
21 read as follows:

22 Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS.

23 (a) Not later than the 20th day after the date the local canvass is
24 completed, the county chair shall post on the secretary of state's
25 website ~~[deliver written notice to the state chair and to the county~~
26 ~~clerk of]~~ the names of the persons elected as county chair and
27 precinct chairs for the county. ~~[This notice may be given by~~
28 ~~electronic means or through an electronic submission system adopted~~
29 ~~by the state executive committee of the party.]~~

30 (b) The notice must include:

- 31 (1) each party officer's address;

1 (2) [and] each precinct chair's precinct number; and
2 (3) each precinct officer's phone number and e-mail
3 address, if supplied by the officer.

4 (c) The secretary of state shall make information described
5 by Subsections (b)(1) and (3) available to the state chair, but not
6 available to the public. ~~[The county clerk shall preserve the~~
7 ~~notice until the county clerk receives notice of the party officers~~
8 ~~elected at the succeeding primary election.]~~

9 (d) Any appointment to fill a vacancy in the office of
10 precinct or county chair shall be posted on the secretary of state's
11 website. ~~[On request of the secretary of state, the state chair~~
12 ~~shall deliver to the secretary written notice of the names and~~
13 ~~addresses of the party's county chairs. This notice may be given in~~
14 ~~electronic format as set out in rules adopted by the secretary of~~
15 ~~state.]~~

16 SECTION _____. Section 172.121, Election Code, is amended to
17 read as follows:

18 Sec. 172.121. CERTIFICATION OF CANDIDATES FOR STATEWIDE AND
19 DISTRICT OFFICES FOR PLACEMENT ON RUNOFF BALLOT. (a) The state
20 chair shall certify on the secretary of state's website ~~[in~~
21 ~~writing]~~ for placement on the runoff primary election ballot the
22 name of each general primary candidate for a statewide or district
23 office who is to be a candidate in the runoff.

24 (b) The state chair shall deliver the certification by
25 posting next to the candidate's name on the secretary of state's
26 website whether the person lost in the primary or is in a runoff for
27 the position ~~[to the county chair in each affected county]~~ as soon
28 as practicable after the state canvass of the general primary
29 election is completed.

30 SECTION _____. Section 172.122(a), Election Code, is amended
31 to read as follows:

1 (a) The state chair shall certify by posting on the
2 secretary of state's website the name and address of each primary
3 candidate who is nominated for a statewide or district office. The
4 state chair shall execute and file digitally with the secretary of
5 state an affidavit certifying that the returns posted on the
6 secretary of state's website are the correct and complete returns.
7 The secretary of state shall ~~[may]~~ adopt by rule a process to allow
8 the chair to submit the affidavit digitally.

9 SECTION _____. Section 172.123, Election Code, is amended by
10 adding Subsection (c) to read as follows:

11 (c) The requirements of this section may be met by entering
12 the results on the secretary of state's website if the secretary of
13 state maintains a website for that purpose.

14 SECTION _____. Section 172.124(b), Election Code, is amended
15 to read as follows:

16 (b) The county clerk ~~[chair]~~ shall deliver the report to the
17 secretary of state not later than the 30th day after primary
18 election day.

19 SECTION _____. Section 172.126, Election Code, is amended by
20 amending Subsection (e) and adding Subsection (g-1) to read as
21 follows:

22 (e) The county clerk shall obtain the candidates' names that
23 are to appear on the primary ballot, office sought, and candidate
24 and office ballot order from the certified list on the secretary of
25 state's website ~~[A written certification of the candidates' names~~
26 ~~that are to appear on the primary ballot shall be delivered to the~~
27 ~~county clerk in accordance with rules prescribed by the secretary~~
28 ~~of state].~~

29 (g-1) A voter shall be allowed privacy to the extent
30 possible when indicating the voter's choice as to which political
31 party's primary the voter chooses to vote in. A voter may indicate,

1 without verbalizing, the voter's choice by pointing to which
2 party's ballot the voter chooses. The secretary of state shall
3 prescribe a sign to inform voters of this option, and the co-judges
4 of each polling place shall post the sign beside the signature
5 roster.

6 SECTION _____. Section 172.127, Election Code, is amended by
7 amending Subsection (b) and adding Subsection (c) to read as
8 follows:

9 (b) The presiding judge or alternate presiding judge for the
10 precinct may post signs at ~~[A sign used to indicate the location of]~~
11 a polling place for a primary election or a primary runoff election
12 that ~~[must either]:~~

13 (1) identify ~~[not contain]~~ the names ~~[name]~~ of, or
14 symbols ~~[symbol]~~ representing, any political parties ~~[party that~~
15 ~~is]~~ holding an election at the polling place; and ~~[or]~~

16 (2) do not refer to a candidate or measure on the
17 ballot ~~[contain each name of, or each symbol representing, a~~
18 ~~political party that is holding an election at the polling place]~~.

19 (c) The secretary of state shall adopt rules to provide that
20 signs posted as authorized by Subsection (b) in the same county have
21 a similar size and format.

22 SECTION _____. Sections 172.128(a) and (c), Election Code,
23 are amended to read as follows:

24 (a) Notwithstanding a conflicting provision of this code, a
25 primary election that is required for the nomination of a political
26 party to a statewide office, a multicounty district office, or a
27 presidential primary election shall be held in accordance with this
28 section in a county in which:

29 (1) the office of county chair is vacant and there is
30 an insufficient number of members serving on the county executive
31 committee to fill a vacancy on the committee; and

1 (2) the party is unable to establish a temporary
2 executive committee under Section 171.027.

3 (c) The county clerk may combine voting precincts
4 ~~[designate the location of the polling place]~~ for an election held
5 under this section to the extent necessary to ~~[at the main early~~
6 ~~voting polling place or designate a location to serve as a polling~~
7 ~~place in the county seat of the county if the polling place is~~
8 ~~located so that it will]~~ adequately serve the voters.

9 SECTION _____. Subchapter E, Chapter 172, Election Code, is
10 amended by adding Sections 172.129 and 172.130 to read as follows:

11 Sec. 172.129. STATEMENTS MADE BY ELECTION OFFICER WHEN
12 PRIMARIES CONDUCTED AT SAME LOCATION. (a) This section applies
13 only to a polling place used to hold an election for more than one
14 political party.

15 (b) An election officer conducting a primary election may
16 not:

17 (1) suggest a political party's ballot to a voter; or

18 (2) discuss any race on the ballot with a voter.

19 Sec. 172.130. ACTION BY STATE CHAIR TO MEET DEADLINES FOR
20 CONDUCT OF PRIMARY. (a) Notwithstanding a conflicting provision
21 of this code, the state chair, or the state chair's designee, may
22 perform any administrative duty of the county chair or county
23 executive committee related to the conduct of a primary election
24 that has not been performed in the time required by law, including
25 the submission of candidate information under Section 172.029,
26 drawing for ballot order under Sections 172.082 and 172.084, and
27 canvassing returns under Section 172.116.

28 (b) The state chair must notify the county chair or county
29 executive committee in writing or electronically that a duty has
30 been performed under the authority of this section.

31 (c) If a county chair has a reasonable impediment or lacks

1 appropriate technology to perform any administrative duty of the
2 county chair related to the conduct of a primary election within the
3 time required by law, the county chair may request that the state
4 chair, or the state chair's designee, perform the duty instead of
5 the county chair.

6 (d) The state chair may act in the role of the county chair
7 for the purposes of Subchapter D, Chapter 173, with the approval of
8 the secretary of state.

9 (e) The secretary of state shall adopt rules to implement
10 this section in accordance with the conduct of elections and with
11 party rule.

12 SECTION _____. Section 173.001(d), Election Code, is amended
13 to read as follows:

14 (d) If the amount of the funds appropriated for the
15 financing of primary elections is insufficient to satisfy the
16 requests for those funds made under this code, the secretary of
17 state may distribute the amount of the appropriation on a pro rata
18 basis. Each party chair or executive committee is entitled to a
19 proportionate share of that amount according to that committee's
20 percentage of the total amount requested.

21 SECTION _____. Section 173.010, Election Code, is amended to
22 read as follows:

23 Sec. 173.010. FURNISHING RULES AND GUIDELINES. During
24 October [~~November~~] preceding each primary election year, the
25 secretary of state shall post on the secretary's website [~~deliver~~
26 ~~to the state chair and each county chair of each political party~~
27 ~~holding a primary election~~] a current set of the rules and any
28 available guidelines adopted under this subchapter. The secretary
29 of state shall e-mail each state or county chair who has provided
30 the secretary of state an e-mail address when the rules and
31 guidelines have been posted. If a rule or amendment of a rule is

1 adopted after the set is posted [~~delivery of the set~~], the secretary
2 shall update the posting with the new rule or amendment [~~deliver a~~
3 ~~copy of the rule or amendment~~] not later than the 10th day after the
4 date of its adoption.

5 SECTION _____. Section 173.032, Election Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The state chair may, with the consent of the secretary
8 of state and the county executive committee, if one exists for the
9 county, accept money into the state primary fund on behalf of a
10 county party. The state chair must keep records to track the money
11 that is attributable to a county.

12 SECTION _____. Section 173.033, Election Code, is amended to
13 read as follows:

14 Sec. 173.033. USE OF PRIMARY FUND. (a) The county primary
15 fund shall be used to pay expenses incurred by the county chair [~~or~~
16 ~~county executive committee~~] in connection with a primary election.

17 (b) The state primary fund shall be used to pay expenses
18 incurred by the state chair [~~or state executive committee~~] in
19 connection with a primary election.

20 (c) A primary fund may not be used for any other purpose,
21 except as provided by Section 173.032(c).

22 SECTION _____. Section 173.034, Election Code, is amended to
23 read as follows:

24 Sec. 173.034. MANAGING PRIMARY FUND. (a) The county chair
25 [~~executive committee~~] shall manage the county primary fund.

26 (b) The state chair [~~executive committee~~] shall manage the
27 state primary fund.

28 SECTION _____. Section 173.036(a), Election Code, is amended
29 to read as follows:

30 (a) The secretary of state may approve an expenditure of
31 state funds for an audit of:

1 (1) the state primary fund or a county primary fund on
2 request of the state chair; or

3 (2) a county primary fund on request of a county chair.

4 SECTION _____. The heading to Section 173.062, Election
5 Code, is amended to read as follows:

6 Sec. 173.062. FEE PAID TO STATE CHAIR FOR DISTRICT OFFICES
7 REMITTED TO SECRETARY OF STATE ~~[ALLOCATED AMONG COUNTY COMMITTEES]~~.

8 SECTION _____. Section 173.062(a), Election Code, is amended
9 to read as follows:

10 (a) The ~~[state chair shall allocate the]~~ filing fee for a
11 district office accompanying an application for a place on the
12 ballot filed with the state chair during the regular filing period
13 shall be remitted to the secretary of state and deposited in the
14 state treasury for the financing of primary election expenses
15 ~~[among the county executive committees serving the counties~~
16 ~~comprising the district]~~.

17 SECTION _____. Section 173.081, Election Code, is amended by
18 amending Subsections (a) and (c) and adding Subsection (g) to read
19 as follows:

20 (a) Regardless of whether state funds are requested for
21 paying primary expenses, a state or county chair shall submit to the
22 secretary of state a written statement of estimated expenses to be
23 incurred by the chair in connection with a primary election ~~[shall~~
24 ~~be submitted to the secretary of state by:~~

25 ~~[(1) the county chair, for expenses of the county~~
26 ~~chair or county executive committee, or~~

27 ~~[(2) the state chair, for expenses of the state chair~~
28 ~~or state executive committee]~~.

29 (c) A statement for a general primary election must also:

30 (1) state the amount of:

31 (A) the primary candidates' filing fees required

1 to be deposited in the county primary fund if the statement is
2 submitted by a county chair, or in the state primary fund if the
3 statement is submitted by the state chair, that have been received
4 by the authority submitting the statement; and

5 (B) the contributions to the county chair or
6 executive committee if the statement is submitted by a county
7 chair, or to the state chair or executive committee if the statement
8 is submitted by the state chair, that:

9 (i) are for the purpose of defraying
10 primary election expenses; and

11 (ii) have not been included in a report
12 filed under Section 173.084 for a previous primary election year;
13 and

14 (2) be submitted not later than the 45th day before
15 general primary election day.

16 (g) The state chair of a party, or the state chair's
17 designee, may submit a statement under this section on behalf of a
18 county chair if the county chair:

19 (1) requests the state chair to submit the statement
20 on the county chair's behalf; or

21 (2) fails to submit the statement by the deadline.

22 SECTION _____. Section 173.0832, Election Code, is amended
23 to read as follows:

24 Sec. 173.0832. DIRECT REPAYMENT TO AUTHORITY CONDUCTING
25 PRIMARY ELECTION UNDER CONTRACT IN CERTAIN COUNTIES. On request of
26 a county election officer [~~of a county with a population of 100,000~~
27 ~~or more~~] who conducts a primary election under an election services
28 contract authorized under Subchapter D, Chapter 31, the secretary
29 of state shall [~~may~~] provide payment of primary expenses directly
30 to the officer who incurs the expense rather than to the county
31 chair under this subchapter. The secretary of state shall

1 prescribe procedures to implement this section.

2 SECTION _____. Subchapter D, Chapter 173, Election Code, is
3 amended by adding Section 173.0833 to read as follows:

4 Sec. 173.0833. DIRECT BILLING OF CERTAIN PRIMARY EXPENSES.

5 (a) This section applies to election services and materials
6 provided by a vendor for use in a primary election or primary runoff
7 election, including:

8 (1) the printing of paper ballot material containing
9 candidates' names used in a polling place;

10 (2) the programming and testing of voting system
11 equipment, including ballot layout, programming of equipment, and
12 audio production;

13 (3) site support or technical support other than the
14 programming or testing of voting system equipment;

15 (4) nonballot election materials used in a precinct on
16 election day, including election kits, required party stamps,
17 distance signs, and required forms; and

18 (5) the rental of non-county-owned electronic voting
19 system equipment, including media components.

20 (b) A vendor providing election services or materials to a
21 county chair or a county election officer contracting with a county
22 chair for a primary or runoff primary election shall directly bill
23 the secretary of state for the cost of the services or materials
24 used on election day for which state funding is available under this
25 chapter.

26 (c) The county chair or the county election officer
27 contracting with the county chair for whom a vendor provides
28 election services or materials to be directly billed to the
29 secretary of state under this section:

30 (1) shall direct the vendor to remit final invoices to
31 the secretary of state for payment; and

1 (2) may examine an invoice for accuracy after the
2 invoice is submitted to the secretary of state for payment.

3 (d) If after a review under Subsection (c)(2) an adjustment
4 is required, the county chair or county election officer shall
5 notify the vendor and the secretary of state. The vendor shall
6 submit a corrected invoice and the secretary of state shall adjust
7 the payment accordingly.

8 (e) An invoice submitted to the secretary of state by a
9 vendor for payment under this section must be in an electronic
10 spreadsheet format prescribed by the secretary of state and list
11 each county to which the vendor provides election services or
12 materials. For each county to which a vendor provides election
13 services or materials a submission must include:

14 (1) the name of the political party;

15 (2) the invoice number;

16 (3) the date of submission;

17 (4) the number of ballots printed, if any;

18 (5) whether an order for ballot printing or
19 programming of voting system equipment was placed by the county
20 chair or an entity contracting with the county chair to hold the
21 primary; and

22 (6) the specific type of election services or
23 materials provided.

24 (f) A vendor may not submit an invoice directly billing the
25 secretary of state for a primary election expense required to be
26 paid by the county under Section 173.003.

27 (g) The direct payment by the secretary of state of an
28 invoice under this section does not affect the payments calculated
29 for county chairs under Section 173.004 or compensation of a county
30 election officer under Section 31.100.

31 (h) The secretary of state may adopt rules as necessary to

1 implement this section.

2 SECTION _____. Section 173.084, Election Code, is amended by
3 amending Subsections (b) and (d) and adding Subsection (b-1) to
4 read as follows:

5 (b) The authority preparing the report shall file it with
6 the secretary of state not later than August 31 following the
7 applicable primary election [~~the 30th day after runoff primary~~
8 ~~election day or not later than the 30th day after general primary~~
9 ~~election day if no runoff primary is held in the county~~], in the
10 case of the county chair's report, or if no runoff primary is held
11 for a statewide or district office, in the case of the state chair's
12 report.

13 **(b-1) The secretary for good cause, including failure of a**
14 **vendor or a county election officer contracted to conduct the**
15 **election to provide complete invoices in a timely fashion,** may
16 extend the filing deadline.

17 (d) Any compensation claimed under Section 173.004 shall
18 [~~may~~] be forfeited on the failure of a county chair to file a timely
19 report.

20 SECTION _____. Section 173.0851(a), Election Code, is
21 amended to read as follows:

22 (a) Any surplus remaining in a primary fund shall be
23 remitted to the secretary of state immediately after the final
24 payment from the fund of the necessary expenses for holding the
25 primary elections for that year upon request of the secretary of
26 state[~~, but not later than July 1 following the applicable primary~~
27 ~~election~~]. The surplus in a primary fund shall be remitted
28 regardless of whether state funds were requested by the chair.

29 SECTION _____. Chapter 276, Election Code, is amended by
30 adding Section 276.011 to read as follows:

31 Sec. 276.011. ENGAGING IN ORGANIZED ELECTION FRAUD

1 ACTIVITY. (a) A person commits an offense if, with the intent to
2 establish, maintain, or participate in a vote harvesting
3 organization, the person commits or conspires to commit one or more
4 offenses under Titles 1 through 7.

5 (b) Except as provided by Subsection (c), an offense under
6 this section is one category higher than the most serious offense
7 listed in Subsection (a) that is committed, and if the most serious
8 offense is a Class A misdemeanor, the offense is a state jail
9 felony.

10 (c) At the punishment stage of a trial, the defendant may
11 raise the issue as to whether in voluntary and complete
12 renunciation of the offense the defendant withdrew from the vote
13 harvesting organization before commission of an offense listed in
14 Subsection (a) and made substantial effort to prevent the
15 commission of the offense. If the defendant proves the issue in the
16 affirmative by a preponderance of the evidence, the offense is the
17 same category of offense as the most serious offense listed in
18 Subsection (a) that is committed.

19 (d) In this section, "vote harvesting organization" means
20 three or more persons who collaborate in committing offenses under
21 Titles 1 through 7, although participants may not know each other's
22 identity, membership in the organization may change from time to
23 time, and participants may stand in a candidate-consultant,
24 donor-consultant, consultant-field operative, or other arm's
25 length relationship in the organization's operations.

26 (e) For purposes of this section, "conspires to commit"
27 means that a person agrees with one or more persons that they or one
28 or more of them engage in conduct that would constitute the offense
29 and that person and one or more of them perform an overt act in
30 pursuance of the agreement. An agreement constituting conspiring
31 to commit may be inferred from the acts of the parties.

1 SECTION _____. The following provisions of the Election Code
2 are repealed:

- 3 (1) Sections 172.084(b), (c), (d), and (e);
- 4 (2) Sections 172.113(b) and (c);
- 5 (3) Section 172.119;
- 6 (4) Section 172.127(a);
- 7 (5) Sections 173.062(b), (c), and (d);
- 8 (6) Section 173.064; and
- 9 (7) Section 173.088.

10 SECTION _____. (a) The changes in law made by this Act in
11 amending Section 31.093(d), Election Code, as redesignated by this
12 Act, and Section 162.014(b), Election Code, and adding Section
13 276.011, Election Code, apply only to an offense committed on or
14 after the effective date of this Act. An offense committed before
15 the effective date of this Act is governed by the law in effect when
16 the offense was committed, and the former law is continued in effect
17 for that purpose. For purposes of this section, an offense was
18 committed before the effective date of this Act if any element of
19 the offense occurred before that date.

20 (b) The change in law made by this Act to Section
21 141.031(a), Election Code, applies to an application for a place on
22 the ballot made on or after the effective date of this Act. An
23 application for a place on the ballot made before the effective date
24 of this Act is governed by the law in effect on the date the
25 application is made, and the former law is continued in effect for
26 that purpose.

ADOPTED

MAY 23 2017

FLOOR AMENDMENT NO. 2

BY:

Lataj Spaw
Secretary of the Senate

Joan Huffman

1 Amend Amendment No. 1 by Huffman to H.B. No. 1735
2 by striking the SECTION of the amendment that amends Section
3 162.014(b), Election Code, and substituting the following
4 appropriately numbered SECTION:

5 SECTION _____. Section 162.014, Election Code, is amended by
6 amending Subsection (b) and adding Subsections (c) and (d) to
7 read as follows:

8 (b) Except as provided by Subsections (c) and (d), an [An]
9 offense under this section is a Class C misdemeanor.

10 (c) An offense under this section is a felony of the second
11 degree if the conduct constituting an offense under Subsection
12 (a) consists of knowingly voting in a primary election after
13 having voted in a primary election of another party during the
14 same voting year.

15 (d) An offense under this section is a state jail felony if
16 the conduct constituting an offense under Subsection (a)
17 consists of knowingly attempting to vote in a primary election
18 after having voted in a primary election of another party during
19 the same voting year.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1735 by Faircloth (Relating to certain election officers.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to certain election practices.

The Secretary of State, Office of Court Administration, and Department of Criminal Justice assume any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The Texas Association of Counties (TAC) anticipates no significant fiscal impact to counties from the provisions of the bill.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 307 Secretary of State

LBB Staff: UP, LBO, GG, BM, JPo, AG, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1735 by Faircloth (Relating to certain election officers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to certain election officers.

The Secretary of State anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

The Texas Association of Counties (TAC) anticipates no significant fiscal impact to counties from the provisions of the bill.

Source Agencies: 307 Secretary of State

LBB Staff: UP, AG, GG, BM, LBO, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 8, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1735 by Faircloth (Relating to the powers and duties of certain election officers.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Election Code allowing a county clerk after issuing an oral warning to remove, replace, or reassign an election judge who causes a disruption in a polling location or willfully disobeys the provisions of the Election Code.

The bill would establish oaths and identification for Early Voting Ballot Board Members and Central Counting Station Officers.

The bill would establish a process for injunctive or other relief if a county election officer determines a ballot was incorrectly rejected.

The bill would take effect September 1, 2017.

Local Government Impact

The Texas Association of Counties (TAC) anticipates no fiscal impact to counties under the provisions of the bill.

Source Agencies:

LBB Staff: UP, LBO, GG, BM, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 24, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1735 by Faircloth (Relating to the powers and duties of certain election officers.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code allowing a county clerk after issuing an oral warning to remove, replace, or reassign an election judge who causes a disruption in a polling location or willfully disobeys the provisions of the Election Code.

The bill would establish oaths and identification for Early Voting Ballot Board Members and Central Counting Station Officers.

The bill would establish a process for injunctive or other relief if a county election officer determines a ballot was incorrectly rejected.

The bill would take effect September 1, 2017.

Local Government Impact

The Texas Association of Counties (TAC) anticipates no fiscal impact to counties under the provisions of the bill.

Source Agencies:

LBB Staff: UP, LBO, GG, BM, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1735 by Faircloth (Relating to certain election officers.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. Under the provisions of the bill, the punishment for unlawful participation in party affairs would be enhanced and it would be punished at the misdemeanor and felony level, with the punishment based upon the specific circumstances of the offense. The bill would also create the offense of engaging in organized election fraud which would be punishable at one level higher than the most serious underlying offense committed or conspired to commit, unless the individual meets the standard to show the individual took certain actions to withdraw from the harvesting organization and prevent the underlying offense, in which case the offense would be punishable at its statutory level.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony is punishable by confinement in prison for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Creating a new criminal offense and enhancing an existing offense are expected to result in increased demands on the correctional resources of the counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions and due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 24 individuals were arrested, fewer than 10 were placed under community supervision, and fewer than 10 were admitted into state correctional institutions for offenses under the applicable titles of the Election Code. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

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